

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Hilary Steward,

Plaintiff

v.

CMRE Financial Services, Inc. et al.,

Defendants

2:15-cv-00408-JAD-NJK

**Order Denying without Prejudice
Motion for Summary Judgment**

[ECF No. 48]

Hilary Steward brings this class-action Fair Debt Collection Practices Act (“FDCPA”) action against CMRE Financial Services, Inc. and Healthcare Revenue Management Group (“HRMG”), who left her two voicemails to collect on a third party’s hospital bill. Defendants move for summary judgment, arguing that the FDCPA does not apply because HRMG is not a debt collector attempting to collect a debt, and Steward is not a consumer with standing to bring suit. Though defendants cite various exhibits in their summary-judgment motion, no exhibits were attached.

The bulk of Steward’s six-page response argues that defendants failed to carry their initial burden of production because they attached no evidence to support their assertions, including that the account in question was not in default at the time it was assigned to HRMG.¹ On the heels of Steward’s response pointing out these deficiencies, defendants filed an “errata” to their summary-judgment motion, attaching the missing exhibits cited in their motion. Defendants’ belated proffer deprived Steward of a fair opportunity to meaningfully address their arguments and supporting evidence.

The court’s strong preference is to decide cases on their merits. Defendants’ out-of-order filing frustrates that goal. In the interest of justice, I exercise my inherent power to manage the docket and essentially order a do-over of the parties’ summary-judgment briefing. I therefore deny without prejudice defendants’ summary-judgment motion and give them until **February 3, 2017**, to

¹ See ECF No. 51.

1 file a rule-compliant motion with all exhibits attached and properly authenticated. The briefing
2 schedule in LR 7-2 will then apply.

3 **Conclusion**

4 Accordingly, IT IS HEREBY ORDERED that defendants' motion for summary judgment
5 **[ECF No. 48] is DENIED** without prejudice to the filing of a new motion for summary judgment,
6 attaching all referenced exhibits by **February 3, 2017**.

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Jennifer A. Dorsey
United States District Judge